

HAILEY, THURSDAY, OCTOBER 9, 2008, AT 9:00 A.M.

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 34145

STATE OF IDAHO,)
)
Plaintiff-Respondent,)
)
v.)
)
MELANIE LAMPIEN,)
)
Defendant-Appellant.)
_____)

Appeal from the District Court of the Sixth Judicial District, State of Idaho,
Bannock County. Hon. Peter D. McDermott, District Judge.

Thomson, Smith, Woolff & Anderson, Idaho Falls, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Kenneth K. Jorgensen, Deputy
Attorney General, Boise, for respondent.

In August 2006, several law enforcement and probation and parole officers went to Melanie Lampien's apartment looking for her husband, Nicholas McKenna. McKenna was wanted for outstanding felony probation violations. Lampien had known for several months that McKenna's probation officer was looking for him. Although Lampien knew that McKenna was hiding in the apartment, Lampien met the officers outside her apartment and told them that she had not seen McKenna and did not know his whereabouts. Approximately an hour later, two police officers and two probation and parole officers entered Lampien's apartment. Once inside the apartment, the officers were confronted by McKenna, who brandished a firearm. A struggle ensued and one of the police officers and the two probation and parole officers were injured by gun shots. McKenna died during the struggle.

The state charged Lampien with harboring a felon. A nonbinding plea agreement was reached whereby Lampien would plead guilty and the state would recommend probation and would not oppose a withheld judgment. Lampien entered a guilty plea and proceeded to sentencing. At Lampien's sentencing, the district court allowed the police officer and the two probation and parole officers who were shot to give victim impact statements over Lampien's objection. The officers advocated that Lampien receive a prison term, largely because they did not believe Lampien when she stated that she did not know McKenna possessed a gun and in order to deter others from harboring felons. The district court sentenced Lampien to a unified term of five years, with a minimum period of confinement of three years. Lampien appeals,

challenging the charging information, the officers' victim impact statements, and the excessiveness of her sentence.

HAILEY, IDAHO, THURSDAY, OCTOBER 9, 2008, AT 10:30 A.M.

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 34469

STATE OF IDAHO,)
)
Plaintiff-Respondent,)
)
v.)
)
LOYD EDWARD PERRY,)
)
Defendant-Appellant.)
_____)

Appeal from the District Court of the Sixth Judicial District, State of Idaho, Bannock County. Hon. William H. Woodland, District Judge.

E. W. "Skip" Carter, Pocatello, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Rebekah A. Cudé, Deputy Attorney General, Boise, for respondent.

Loyd Edward Perry observed practice sessions of a summer cheerleading camp for teenage girls at a local university. That night, Perry returned to the campus and entered the dormitory where the camp attendees were housed. Perry entered an unlocked door and inappropriately touched a twelve-year-old girl while she slept. Perry pled guilty to sexual abuse of a child under the age of sixteen years, he was sentenced to a unified term of fifteen years, with a minimum period of confinement of four years. The district court suspended Perry's sentence and placed him on probation for fifteen years. One condition of his probation was that Perry complete a psychosexual evaluation upon his release from jail and that he follow all rules from his sex offender treatment provider.

Two years later, Perry admitted to violating the terms of his probation by frequenting chat rooms, having software installed on his computer to thwart law enforcement detection of illicit internet activities, and violating his curfew. The district court, however, continued Perry's probation, but imposed additional conditions, including a period of confinement of 240 days and requiring an evaluation be conducted by his treatment provider to make recommendations for his continued treatment and conditions upon his release. Thereafter, a report of probation violation was again filed alleging that Perry violated his probation by failing to follow all the rules of his treatment provider because he was removed from his sex offender treatment program for noncompliance. The district court revoked Perry's probation and ordered execution of the original sentence. Perry appeals arguing that the district court abused its discretion in finding that he violated his probation, and furthermore, for revoking his probation. Additionally, Perry

argues that because the same doctor who conducted his psychosexual evaluation also served as his sex offender treatment provider, contrary to I.C. § 18-8316, he ought to be allowed to continue probation under a different treatment provider.

HAILEY, THURSDAY, OCTOBER 9, 2008, AT 1:30 P.M.

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 34698

STATE OF IDAHO,)
)
Plaintiff-Respondent,)
)
v.)
)
JAKE BEASLEY,)
)
Defendant-Appellant.)
)

Appeal from the District Court of the Sixth Judicial District, State of Idaho, Bannock County. Hon. Peter D. McDermott, District Judge.

Echohawk Law Offices, Pocatello, for appellant.

Hon. Lawrence G. Wasden, Attorney General; John C. McKinney, Deputy Attorney General, Boise, for respondent.

Jake Beasley was pulled over on Interstate 15 by Fort Hall Police officers for driving north-bound in the south-bound lanes. Idaho State Police Trooper Mike Winans arrived at the scene shortly after the stop. After a brief discussion with the tribal police officers, he took custody of Beasley. Beasley was charged with driving under the influence of alcohol and/or drugs, I.C. §§ 18-8004 and 18-8005(7), a felony. He was also alleged to be a persistent violator, I.C. §19-2514.

Prior to trial, Beasley moved for dismissal of the charges, or in the alternative to suppress all evidence obtained from his illegal arrest. Beasley is a certified member of the Shoshone-Bannock tribes, and resides on the Fort Hall Reservation. Accordingly, he asserts that he was illegally arrested by Trooper Winans because his initial arrest occurred on the reservation, by tribal police officers. Since Trooper Winans assumed custody of Beasley without initiating extradition proceedings in tribal court, Beasley contends that the arrest by Trooper Winans violated his Fourth Amendment rights and interfered with the sovereignty of the Shoshone-Bannock tribes. The district court denied Beasley's motions. He thereafter entered a guilty plea to the felony D.U.I., reserving the right to appeal the denial of his motions, and the state dismissed the persistent violator allegation. Beasley now appeals the denial of his motion to dismiss or in the alternative to suppress.